

REMARKS

I. Preliminary Remarks

Claims 1-9 and 11-13 are pending in this application. Claims 10 and 14-16 have been withdrawn from consideration as being drawn to a non-elected invention. This Amendment and Response amends claims 1, 2 and 11.

II. Response to Restriction Requirement

The Examiner has restricted the application into two groups of inventions:

Group I: Claims 1-9 and 11-13, drawn to a canopy assembly, classified in class 135, subclass 88.05; and

Group II: Claims 10 and 14-16, drawn to a method for erecting a canopy on a golf cart, classified in class 135, subclass 905.

In order to be responsive to the Examiner's requirement and to facilitate examination of this application, Applicants confirm their election the invention of Group I, Claims 1-9 and 11-13, drawn to a canopy assembly, with traverse. Applicants make this election with traverse, and without prejudice to the presentation of the claims of Group II in a later application.

III. Corrections to the Drawings

Figures 2, 5, 6 and 7 were objected to as poor depictions of the instant invention because they were black and white photographs. Corrected drawing sheets in compliance with 37 CFR 121(d) are submitted herewith for Figures 2 and 5. The Replacement Sheets

merely depict the same images as line drawings. No new matter has been added. Drawing Figures 6 and 7 are cancelled. No renumbering of figures is required and appropriate changes to the specification are detailed below in Section IV.

IV. Amendments to the Specification

The disclosure was objected to because the trademark “Velcro” was used in the application without being accompanied by the generic terminology. This amendment and response amends the objected-to paragraph to include inserting “hook and loop” generic terminology after the trademark. No new matter has been added.

Further amendments to the specification have been made to delete references to Figures 6 and 7 which have been cancelled.

V. 35 U.S.C. §112 Rejections

Claims 1-9 and 11-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the invention. The Action states that the preambles of Claims 1 and 11 recite the subcombination of an apparatus for covering a portion of a rear compartment of a golf cart, but language in the claim recites the combination of the apparatus and the golf cart. Claims 1 and 11 have been amended to clarify that the subcombination of an apparatus for covering a portion of a rear compartment of a golf car is being claimed.

VI. 35 U.S.C. § 102 Rejections

A. Peta

Claims 1, 3-9 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,227,217 to Peta. In order to further this application towards allowance, Applicants have amended Claims 1 and 11 to specify that the invention comprises a device which is secured to a golf cart by brackets in at least two places including the support frame and the roof. Further, Applicants have amended Claims 1 and 11 to specify that each bracket is configured to be secured to the support frame and to the roof of the golf cart. Claim 11 further specifies that the bracket extends towards the front of the golf cart. As these features are neither taught nor suggested by Peta, Applicants respectfully submit that Claims 1 and 11, and additionally Claims 3-9 which ultimately depend therefore, are allowable.

The canopy 10 of Peta is mounted to a golf cart by an awning track 24 that is secured to the rear edge 22 of the golf cart roof by screws 26 “or similar fasteners.” Col. 2, lines 57-59. J-bars 40, 42 are then attached to the awning track via well nuts 52, 54. The canopy of Peta is secured directly to the rear roof edge, and only the rear roof edge. The connection of Peta, thus, includes inherent instability as it is agitated while the golf cart is moving over rough ground, perhaps, or when the canopy is moved between the covered and uncovered positions. To attempt to overcome this instability, and to provide “structural integrity and rigidity to the frame assembly”, Peta includes a rod 74 which extends between the ends of the

J-bars. Col. 3, lines 55-59. This rod, however, impedes access to the rear compartment of the golf cart where golf clubs are customarily stored and frequently accessed.

In contrast to Peta, the present invention discloses a rear canopy which is structurally stable, but which is completely devoid of material that would impede access to the rear compartment of the golf cart. To accomplish this goal, the canopy of the present invention is secured to the golf cart through the use of brackets which connect in two places- at the rear support frame and the roof. The brackets connect to the rear support frame, wrap around the support frame and extend towards the front of the golf cart where it is secured to the golf cart once again- this time at the roof. The feature of including brackets with two attachment points having a distance between them adds strength and stability to the canopy attachment without sacrificing easy access to the rear compartment of the golf cart.

In conclusion, as Peta does not teach each and every element of claims 1 and 11 as amended, Applicants respectfully submit that these claims, in addition to claims 2-9 and 12-13 which depend therefrom, are in condition for immediate allowance.

VII. 35 U.S.C. § 103 Rejections

A. Shugar

Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peta in view of U.S. Publication 2001/0039960 to Shugar. As stated above, Applicants have amended Claims 1 and 11 to specify that the invention comprises a device which is secured

to a golf cart by brackets in at least two places including the support frame and the roof.

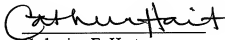
Shugar does not overcome this rejection.

Indeed, any teaching of a mechanism for the attachment of a canopy a cart is absent in Shugar's disclosure. The Action states that "a golf cart modified [as in Shugar to include handles] would necessarily have the brackets mounted to the roof near the handles." Action, p. 8. But this is just not true. Instead, one wishing to attach the canopy of Peta to the cart of Shugar would necessarily use the attachment mechanism disclosed in Peta- screwing the awning track to the rear edge of the cart's roof 12. Neither reference includes any teaching or suggestion of a mounting mechanism would allow the canopy to be secured the cart in multiple places, nor any teaching or suggestion of brackets which mount to the rear support frame of the cart and to the roof near the handles. As this feature is neither taught nor suggested by Peta nor Shugar, alone or in combination, Applicants respectfully submit that Claims 2 and 13 are allowable.

CONCLUSION

Applicants respectfully submits that claims 1-9 and 11-13 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned at 404.532.6938.

Respectfully submitted,



Catherine E. Hart

Reg. No. 54,095

ATTORNEYS FOR APPLICANTS

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
Receptionist (404) 815-6500
Direct (404) 532-6947
Fax (404) 541-3259